

REMARKS/ARGUMENTS***Brief Summary of Status***

Claims 1-13, 23-38, and 64-80 are pending in the application.

Claims 64-80 are allowed.

Claims 1-5, 8-10, 13-32, 34-38 are rejected.

Claims 6, 7, 11, 12, and 33 are objected to.

35 U.S.C. § 103

The Examiner asserts:

"4. Claims 1-3, 9, 23-24, 27, 28-29, 32, 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shpak (US 2004/0162037 A1) in view of Vaisanen et al (US 2004/0192222 A1) and further in view of Gorday et al (US 2004/0203836 A1) and still further in view of Jaffe et al (US 200310231720 A1)." (office action, Part of Paper No./Mail Date 20090105, p. 4)

The Applicant respectfully traverses.

With respect to independent claim 23, on page 8 of the office action, the Examiner asserts:

"Regarding claims 23 and 24, claims 23 and 24 define a method reciting features analogous to features of device of claims 1 and 3 (as rejected above). Thus the combinations of Shpak/JaffeNaisanen/Gorday disclose all elements of claims 23 and 24 (please see the rejection of claims 1 and 3 above)."

The Applicant has amended certain of the claims.

In view of such amendments, the Applicant respectfully asserts that independent claims 1, 23, and 28 are allowable.

The Applicant respectfully asserts that Shpak, Vaisanen, Gorday, and Jaffe, when considered individually or together, fails to teach and disclose the subject matter as claimed by the Applicant in these claims.

In view of at least these comments made above, the Applicant respectfully believes that these independent claims rejected above are patentable over these cited references.

The Applicant respectfully believes that these dependent claims rejected above, being further limitations of the subject matter as claimed in allowable independent claims, respectively, are also allowable.

As such, the Applicant respectfully requests that the Examiner withdraw the rejections of these claims.

“5. Claims 8, 10, 13, 25, 30, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shpak (US 2004/0162037 A1), in view of Jaffe et al (US 2003/0231720 A1), in view of Vaisanen et al (US 2004/0192222 A1) and further in view of Gorday et al (US 2004/0203836 A1) and further in view of well known prior art (MPEP 2144.03).” (office action, Part of Paper No./Mail Date 20090105, p. 9)

The Applicant respectfully traverses.

The Applicant has amended certain of the claims.

The comments made above with respect to Shpak, Vaisanen, Gorday, and Jaffe are also applicable here.

The Applicant respectfully believes that the inclusion of the Examiner’s cited “well known prior art (MPEP 2144.03)” does not overcome the deficiencies of Shpak, Vaisanen, Gorday, and Jaffe with respect to independent claims 1, 23, and 28.

The Applicant respectfully believes that independent claims 1, 23, and 28 are allowable over Shpak in view of Jaffe, further in view of Vaisanen and still further in view of Gorday and further still in view of the Examiner’s cited “well known prior art (MPEP 2144.03)”.

The Applicant respectfully asserts that Shpak, Vaisanen, Gorday, and Jaffe, and the Examiner’s cited “well known prior art (MPEP 2144.03)”, when considered individually or together, fails to teach and disclose the subject matter as claimed by the Applicant in these claims.

The Applicant respectfully believes that these dependent claims rejected above, being further limitations of the subject matter as claimed in allowable independent claims, respectively, are also allowable.

As such, the Applicant respectfully requests that the Examiner withdraw the rejections of these claims.

“6. Claims 4-5, 26, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shpak (US 2004/0162037 A1) in view of Jaffe et al (US 2003/0231720 A1), further in view of Vaisanen et al (US 2004/0192222 A1) and still further in view of Gorday et al (US 2004/0214539 A1).” (office action, Part of Paper No./Mail Date 20090105, p. 11)

The Applicant respectfully traverses.

The Applicant has amended certain of the claims.

The comments made above with respect to Shpak, Vaisanen, Gorday, and Jaffe are also applicable here.

The Applicant respectfully believes that the inclusion of Rajamani does not overcome the deficiencies of Shpak, Vaisanen, Gorday, and Jaffe with respect to independent claims 1, 23, and 28.

The Applicant respectfully believes that independent claims 1, 23, and 28 are allowable over Shpak in view of Jaffe, further in view of Vaisanen and still further in view of Gorday and further still in view of Rajamani.

The Applicant respectfully asserts that Shpak, Vaisanen, Gorday, Jaffe, and Rajamani, when considered individually or together, fails to teach and disclose the subject matter as claimed by the Applicant in these claims.

The Applicant respectfully believes that these dependent claims rejected above, being further limitations of the subject matter as claimed in allowable independent claims, respectively, are also allowable.

As such, the Applicant respectfully requests that the Examiner withdraw the rejections of these claims.

Allowable Subject Matter

The Examiner asserts:

“7. Claim 6, 7, 11, 12 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 64-80 are allowed.” (office action, Part of Paper No./Mail Date 20090105, p. 12-13)

The Applicant respectfully traverses the objections to claims 6, 7, 11, 12 and 33.

In view of at least the comments submitted herewith, the Applicant respectfully believes that independent claims 1 and 28 are allowable.

The Applicant respectfully believes that dependent claims 6, 7, 11, 12 and 33, being further limitations of the subject matter as claimed in allowable independent claims, are also allowable.

As such, the Applicant respectfully requests that the Examiner withdraw the objections to these claims.

The Applicant respectfully agrees with the Examiner that claims 64-80 are allowable.

The Applicant respectfully believes that the pending claims are in condition for allowance and respectfully requests that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present U.S. utility patent application.

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